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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE STATE OF UTAH, CENTRAL DIVISION**

ALLEN ANDERSEN, an individual;
NXLEVEL NETWORK, LLC, a Utah limited
liability company; JESSICA ZIMMERMAN,
an individual; ROBERT GURNEY, an
individual; AMY HODGSON, an individual;
and JOHN DOES 1-99,

Plaintiffs,

Vs.

STATE OF UTAH; UTAH DEPARTMENT
OF HEALTH AND HUMAN SERVICES;
JEFFREY S. HARRIS, an individual;
GERALD GANSEY, an individual; DRAPER
CITY; VIVIEN PEARSON, an individual;
DAVID BERNAL, an individual; WEST
JORDAN CITY; BRETT SU'A, an
individual; RIVERDALE CITY; SANDY
CITY; and WEST VALLEY CITY,

Defendants.

**DECLARATION OF EDWARD W.
McBRIDE, JR.**

Judge: Clark Waddoups
Magistrate Judge Dustin B. Pead

Civil No.: 1:16-cv-00005-PMW

Edward W. McBride, Jr., attorney for Plaintiffs, makes the following declarations regarding the above entitled matter and in response to Defendant State of Utah's Status Report and Request for Dismissal with Prejudice for Failure to Prosecute.

1. I am the attorney for the Plaintiffs in the above entitled matter.
2. That Plaintiff NXLevel Network LLC currently does not operate any sober living homes. That a successor in interest to NXLevel Network, LLC, Smart Sober Living currently operates three homes in the City of Sandy, State of Utah. All of the other homes were shut down and are no longer operating in any of the other jurisdictions since this action commenced.
3. That those homes, in fact, have been inspected by the Department of Human Services.
4. On September 22, 2017, Plaintiff NXLevel Network, LLC aka Smart Sober Living filed seven applications with the City of Sandy for business licensing and zoning allowances for the seven homes running at that time in Sandy City.
5. In March, 2018, further information was provided to Sandy City, at their request, for the three remaining homes in that City.
6. On May 23, 2018, following discussions with the Sandy City attorney, Jody Burnett, Plaintiff provided additional financial information on the remaining sober living homes.
7. It is my understanding that the State of Utah is waiting for the City to issue a business license before final approval of the sober living homes.
8. It is my understanding that a final decision on the business licensing should be issued within the next 3 to 4 weeks.
9. I have been unable to contact all of the original plaintiffs in this matter.
10. That we request the Court to set a scheduling conference in six weeks at which time it is anticipated that all issues for this matter will be resolved and this matter may be dismissed.

/s/ Edward W. McBride, Jr.

Edward W. McBride, Jr.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of May, 2018, I electronically filed the foregoing
Declaration of Edward W. McBride, Jr. with the Clerk of the Court using the CM/ECF system,
which will send notification to the following:

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/s/ Alanna Warnick

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